REMARKS

In support of his request for reexamination, Applicant has amended two of the independent claims to further comply with the Examiner's stated rejection under 35 U.S.C. § 101. These amendments to independent claims 17 and 21 also obviate the same rejection to the dependent claims. Importantly, these amendments were drawn to further define the invention in compliance with 35 U.S.C. § 101, to comply with the formal objections of the Examiner and to broaden the claims. There is no intent to narrow or provide any factual or legal basis for a narrow construction of the Applicant's substantial contributions.

The objections premised upon 35 U.S.C. § 102 are contrary to law and to fact. Settled law requires that a rejection under this statute be supported by prior art that disclosed each and every recital of the claims in issue. *See In re Bond*, 910 F.2d 831, 832, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990); *Gechter, et. al. v. Davidson, et. al*, 116 F.3d 1454 (Fed. Cir. 1997). As will be explained, the cited references do not meet this requirement. For example, the Musgrave reference (patent number 6,377,699) applied to claims1, 2 and 3-29 does now disclose the following elements recited in the claims: independent claim 1, "spatial segments;" independent claim 7, "an acceptable standard surface;" independent claim 13, "spatial segments:" independent claim 17, "spatial segment;" independent claim 21, "material without flaws" and "standard of comparison" and "spatial distribution:" independent claim 24, "spatial distribution;" and independent claim 30, "spatial distribution."

Equally important, the content of applicant's specification and its proper interpretation is significantly different from the Musgrave reference. That reference teaches a personal identification system for a telephone to insure that the user is properly authorized to use it. Identification of a licensed user's iris via an image unlocks the telephone for use. The processing and comparison routine of the user's iris is not described within the patent, instead, the patent, at column 4, line 60+

refers to and incorporates by reference a prior patent, no. 5,291,560 which issued to Daugman. (See Musgrave at col. 4, line 60 +). Rather than disclosing Applicant's claimed "spatial segments"of light from an object, Daugman collects an iris image and then modifies it to define, not the simple "spatial image" that Applicant uses, but a very complicated image that "must be analyzed to produce an iris code." As shown in figure 1 of his patent, Daugman's image is developed, not by a "spatial image", but by a multistep process of 1) defining the pupillary iris boundary, 2) defining the limbic iris boundary, 3) establishing a coordinate system, 4) defining analysis bands, etc. Without question, there is neither a disclosure nor suggestion in this complicated "iris identification" concept of Applicant's low cost, "machine vision" system for inspection of metal piece parts, flat materials, sheet material, etc. Neither Musgrave nor Daughmen would be capable of modification to achieve the claimed inventions–without the improper use of Applicant's teachings as a guide. In sum, neither Musgrave nor Daugman contains either the recited limitations of Applicant's claims, nor the very beneficial applications and uses of his invention. Without question, the rejection should be withdrawn.

Claim 30 has been amended to more clearly define Applicant's invention as a low cost method of scanning an object for inspection, identification, or diagnostic evaluation. As disclosed and recited, Applicant claims a low cost method of inspection, identification or diagnostic evaluation that does not require a computer as taught by the Micka reference[1]. Moreover, Applicant claims and obtains digital data in the form of a "spatial distribution" of light from the element to be inspected – a concept not disclosed or suggested by the reference "Micka." Moreover, Applicant's amended claims recites a simultaneous collection of digital data, whereas Micka requires the use and

[1]The Official Action, at the bottom of page 4, asserts that Claim 30 was rejected by "Micka (3,944,369)." By a telephone conference, the Examiner graciously advised that the identified reference should read "Micka (3,909,602)" and Applicant is responding to the rejection on page 4 as so clarified.

complexity of a scanning mirror (18) together with a "test generator" (32) all of which is avoided by Applicant. In sum, the rejection of Applicant's claim 30 as being anticipated by Micka is error, particularly in light of the current amendments to this claim which recite a plurality of elements that cannot be found in the disclosure of Micka. Under the law, this rejection should be withdrawn.

Accordingly, there is no valid basis for rejecting Applicant's application for a patent. His low cost, high speed diagnostic apparatus and vision system clearly passes the tests of novelty and non-obviousness. Accordingly, this application should now be passed to issue. Alternatively, if the Examiner has suggestions for greater clarity of the claims, finds additional informal errors, a telephone call to that effect would be most appreciated.

Respectfully submitted,

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Enclosure: Petition for Extension of Time, Check, Post Card

Certificate of Express Mail

I, Dorsey L. Baker, hereby certify that the foregoing **APPLICANT'S RESPONSE TO OFFICIAL ACTION OF 03/08/07** is being deposited in Express Mail of the United States Postal Service (EQ 112058924 US) together with a check, a Petition for an Extension o f Time and Post Card, properly addressed to Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 this 3rd day of August, 2007.

Dorsey L. Baker